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Air Pollution Regulations in State Implementation Plans: Montana

Abcor Inc, Wilmington, MA Walden Div

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Air Pollution Regulations in State Implementation Plans: Montana

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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Air Pollution Regulations in State Implementation Plans:

Montana

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

10

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Publication No. EPA-450/3-78-076

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

MONTANA

Submittal Date	Approval Date	Description
6/24/72	7/27/72	Reg. 90-001; Part VI, VIII, XII

FEDERAL REGULATIONS

Section Number	Description
52.1374	Regulation for Review of New or Modified Indirect Sources
52.1378	Regulation for Public Availability of Emission Data
52.1382	Prevention of Significant Deterioration

DOCUMENTATION OF CURRENT EPA-APPROVED
STATE AIR POLLUTION REGULATIONS

REVISED STANDARD SUBJECT INDEX

1.0 DEFINITIONS

2.0 GENERAL PROVISIONS AND ADMINISTRATIVE PROCEDURES

3.0 REGISTRATION CERTIFICATES, OPERATING PERMITS AND APPLICATIONS

4.0 AIR QUALITY STANDARDS (PRIMARY AND SECONDARY)

- 4.1 PARTICULATES
- 4.2 SULFUR DIOXIDE
- 4.3 NITRIC OXIDES
- 4.4 HYDROCARBONS
- 4.5 CARBON MONOXIDE
- 4.6 OXIDANTS
- 4.7 OTHERS

5.0 VARIANCES

6.0 COMPLIANCE SCHEDULES

7.0 EQUIPMENT MALFUNCTION AND MAINTENANCE

8.0 EMERGENCY EPISODES

9.0 AIR QUALITY SURVEILLANCE AND SOURCE TESTING

10.0 NEW SOURCE PERFORMANCE STANDARDS

11.0 NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS

12.0 MOTOR VEHICLE EMISSIONS AND CONTROLS

13.0 RECORD KEEPING AND REPORTING

14.0 PUBLIC AVAILABILITY OF DATA

15.0 LEGAL AUTHORITY AND ENFORCEMENT

16.0 HEARINGS, COMPLAINTS, AND INVESTIGATIONS

17.0 PREVENTION OF SIGNIFICANT DETERIORATION

18.0 AIR QUALITY MAINTENANCE AREA

19.0 - 49.0
RESERVED FOR FUTURE EXPANSION OF COMMON INDEX

50.0 POLLUTANT - SPECIFIC REGULATIONS

- 50.1 PARTICULATES
  - 50.1.1 PROCESS WEIGHT
  - 50.1.2 VISIBLE EMISSIONS
  - 50.1.3 GENERAL

50.2 SULFUR COMPOUNDS

50.3 NITRIC OXIDES

50.4 HYDROCARBONS

50.5 CARBON MONOXIDE

50.6 ODOROUS POLLUTANTS

50.7 OTHERS (Pb, Hg, etc.)

51.0 SOURCE CATEGORY SPECIFIC REGULATIONS

51.1 AGRICULTURAL PROCESSES (includes Grain Handling, Orchard Heaters, Rice and Soybean Facilities, Related Topics)

51.2 COAL OPERATIONS (includes Cleaning, Preparation, Coal Refuse Disposal Areas, Coke Ovens, Charcoal Kilns, Related Topics)

51.3 CONSTRUCTION (includes Cement Plants, Materials Handling, Topics Related to Construction Industry)

51.4 FERROUS FOUNDRIES (includes Blast Furnaces, Related Topics)

51.5 FUEL BURNING EQUIPMENT (coal, natural gas, oil) - Particulates (includes Fuel Content and Other Related Topics)

51.6 FUEL BURNING EQUIPMENT (coal, natural gas, oil) - SO_2 (includes Fuel Content and Other Related Topics)

51.7 FUEL BURNING EQUIPMENT (oil, natural gas, coal) - NO_2 (includes Fuel Content and Other Related Topics)

51.8 HOT MIX ASPHALT PLANTS

51.9 INCINERATION

51.10 NITRIC ACID PLANTS

51.11 NON-FERROUS SMELTERS (Zn, Cu, etc.) - Sulfur Dioxide

51.12 NUCLEAR ENERGY FACILITIES (includes Related Topic)

51.13 OPEN BURNING (includes Forest Management, Forest Fire, Fire Fighting Practice, Agricultural Burning and Related Topics)

51.14 PAPER PULP; WOOD PULP AND KRAFT MILLS (includes Related Topics)

51.15 PETROLEUM REFINERIES

51.16 PETROLEUM STORAGE (includes Loading, Unloading, Handling and Related Topics)

51.17 SECONDARY METAL OPERATIONS (includes Aluminum, Steel and Related Topics)

51.18 SULFURIC ACID PLANTS

51.19 SULFURIC RECOVERY OPERATIONS

51.20 WOOD WASTE BURNERS

51.21 MISCELLANEOUS TOPICS

TABLE OF CONTENTS

STATE REGULATIONS

Revised Standard Subject Index	Section Number	Title	Page Number
--	--	Air Pollution Control Construction and Operating Permits	1
(2.0)	I	Policy Statement	1
(3.0)	II	Permit to Construct	1
(3.0)	III	Plans and Specifications	2
(3.0)	IV	Transfer of Permits	2
(3.0)	V	Denial of Permit Application	3
(1.0)	VI	Definitions	3
(3.0)	VII	Time Limit For Permit	4
(2.0)	VIII	Compliance	4
(14.0)	IX	Confidentiality	4
(15.0)	X	Authority	4
(3.0)	XI	Permit To Operate	4
(3.0)	XII	Standards For Granting Application	5
(3.0)	XIII	Conditional Approval	6
(3.0)	XIV	Denial of Applications	6
(2.0)	XV	Effective Date	6
--	--	Limitations Of The Levels, Concentrations Or Quantities Of Emissions Of Various Pollutants From Sources Necessary To Prevent, Abate Or Control Air Pollution	7
(2.0)	--	General	7

Revised Standard Subject Index	Section Number	Title	Page Number
(15.0)	--	Authority	7
(1.0)	--	Definitions	7
(51.9)	--	Incinerators	11
(50.1.1)	--	Restriction Of Emission of Particulate Matter From Industrial Processes	12
(50.1)	--	Preventing Particulate Matter From Becoming Air-Borne	14
(51.5)	--	Maximum Allowable Emission Of Particulate Matter From Fuel Burning Equipment	15
(50.1.2)	--	Restriction Of Emission Of Visible Air Contaminants	18
(50.2)	--	Restriction Of Sulfur Oxide Emissions	20
(51.6)	II	Regulation Of Sulfur In Fuel	23
(51.11)	--	Primary Non-Ferrous Smelters	25
(51.14)	--	Kraft Pulp Mills	28
(50.6)	--	Control Of Odors In The Ambient Air	31
(51.13)	--	Open Burning Restrictions	33
(7.0)	--	Malfunction Of An Installation	35
(2.0)	--	Circumvention	35
(12.0)	--	Control Of Air Pollution In Motor Vehicles	35
(51.20)	--	Prevention, Abatement, And Control Of Air Pollution From Wood-Waste Burners	36
(4.0)	--	Montana Ambient Air Quality Standards	39

Revised Standard Subject Index	Section Number	Title	Page Number
(9.0)	--	Requiring Testing Or Testing Facilities	42
(50.7)	--	Restricting The Emission Of Fluorides	43
(51.16)	--	Storage Of Petroleum Products	45
(51.17)	--	Maximum Allowable Emission Of Fluorides From Primary Aluminum Reduction Plants, Aluminum Smelters Or Aluminum Manufacturing Plants	48

FEDERALLY PROMULGATED REGULATIONS

Revised Standard Subject Index	Section Number	Title	Page Number
(10.0)	52.1374	Review Of New Or Modified Indirect Sources	51
(14.0)	52.1378	General Requirements	61
(17.0)	52.1382	Prevention Of Significant Deterioration	62

(3.0)

AIR POLLUTION CONTROL
CONSTRUCTION AND OPERATING PERMITS

Regulation No. 90-001

Adopted March 23, 1969
Revised January 9, 1970
Revised July 10, 1970
Montana State Board of Health
Helena, Montana

Provisions concerning application for and granting of permits to construct, operate, install or alter any machine, equipment, device or other article or process which may cause or contribute to air pollution.

(2.0) I. POLICY STATEMENT

New equipment or changes of process capable of becoming a source of air pollution shall be provided with the maximum control capability which is technically practicable and economically feasible. Any equipment shall be operated to provide the maximum control capability.

(3.0) II. PERMIT TO CONSTRUCT

A permit shall be required from the director of the Division of Air Pollution Control and Industrial Hygiene, Montana State Department of Health for the construction, installation or alteration of any new equipment or changes of process capable of emitting air contaminants to the atmosphere and any new, altered or revised equipment intended for eliminating, reducing or controlling emission of air contaminants from the following classes of operation:

1. All phosphate rock or phosphorite processing equipment or equipment used in the production of elemental phosphorous, enriched phosphates, defluorinated phosphates, phosphate fertilizers or phosphorite concentrates or any equipment used in the processing of fluorides-enriched waste waters to produce fluorides compounds for sale.

2. Industrial and commercial power generating plants except railroad locomotives and hydroelectric.

3. All metallurgical operations such as smelting, refining or reclaiming of any metals or minerals or their by-products.

4. Petroleum refining, marketing and pipelining.

5. Any rock crushing, or gravel cleaning or sizing operations including mobile units in operation or existing in the State at the time of passage and approval of this regulation.

6. Asphalt batching or hot-mix plants including mobile units in operation or existing in the State at the time of passage and approval of this regulation.

7. Pulp mills and paper mills.

8. All lumber mills or wood products operations that will burn waste wood as a means of disposal or for boiler fuel.

9. Acid manufacturing plants.

10. Chemical plants.

11. Cement plants manufacturing cement.

12. Slaughter houses and/or rendering works.

13. Fertilizer manufacturing plants.

14. Foundries.

15. Any industrial or commercial boiler or furnace burning for fuel wood, coal or heavy petroleum products.

16. Concrete batching plants.

17. Metal scrap salvage, processing, or reclaiming operations.

18. Manufacturing plants or concerns manufacturing or processing dyes; adhesives, radioactive materials; plastics; resins; detergents; soap, tallow; paint; varnish; animal, vegetable or mineral oils; rubber; animal, vegetable and mineral fibers; biological materials; glass; bricks, pottery or chinaware; grains; beverages (except bottling plants); coal, including coal washers and coke; clay, diatomacious earth or dolomite; manure; hides and furs; vegetables, meat, fish or flour (except food service establishments).

19. Canneries.

(3.0) III. PLANS AND SPECIFICATIONS

The application for a permit shall be accompanied by plans, specifications, and such other information as the director deems necessary except that the director may dispense with the submission of plans and specifications upon prior written agreement.

(3.0) IV. TRANSFER OF PERMITS

Permits issued shall not be transferable either from one location to another, from one piece of equipment to another or from one person to another.

(3.0) V. DENIAL OF PERMIT APPLICATION

Upon refusal by the director to grant a permit after request therefore, the director shall submit the permit application to the Board for their review and final action.

(1.0) VI. DEFINITIONS

1. Equipment: Any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or which may be designed for or used to control air contaminants.

2. New Equipment:

   a. Any equipment, installation, construction, article, machine or contrivance constructed or installed after the effective date of this regulation;

   b. Any equipment replaced or altered or processes changed in such a manner after the effective date of this regulation as to have any substantial effect on the production or control of air contaminants;

   c. Any equipment moved after the effective date of this regulation to another premises involving a change of address;

   d. Any equipment purchased and to be operated after the effective date of this regulation by a new owner or when a new lessee desires to operate such equipment;

   e. Any equipment that is or has been shut down, put out of service or otherwise made inoperative for 180 days or more after March 23, 1968 and which is to be put back into operation or service;

   f. Any equipment whose construction was started prior to March 23, 1968 and remained uncompleted 180 days or more after March 23, 1968.

3. Substantial:

   a. The word substantial as appearing in subsection 2(b) of this section VI shall be defined as follows:

      (1) Increases the amount of any air pollutant (to which a standard applies) emitted, or which results in the emission of any air pollutant (to which a standard applies) not previously emitted, except that:

         (a) Routine maintenance, repair, and replacement shall not be considered as alterations, and

(b) The following shall not be considered a process change:

i. An increase in the production rate, if such increase does not exceed the operating design capacity of the affected facility;

ii. An increase in hours of operation;

iii. Use of an alternative fuel or raw material if the affected facility is designed to accommodate such alternative use.

(3.0) VII. TIME LIMIT FOR PERMIT

If the construction, installation or alteration for which a permit has been issued is not completed within two years from the date of issuance of the permit, a renewal of the permit shall be required.

(6.0) VIII. COMPLIANCE

Nothing in this regulation shall be construed as relieving any permittee from full compliance with all laws of the State of Montana and any applicable Federal laws respecting the subject of air pollution and all other regulations, rules and standards heretofore or hereafter adopted by the State Board of Health, or applicable Federal agency respecting air pollution, including, but not limited to, all present and future provisions of the air pollution control statutes of the State of Montana, further regulations governing permits of any kind, and emission standards; nor shall approval of plans and specifications under this regulation or issuance of a permit under this regulation excuse anyone from full future compliance with any of the foregoing.

(14.0) IX. CONFIDENTIALITY

Any plans, specifications or records or parts thereof, which are deemed by the owner or operator as confidential shall be clearly designated and certified by said owner or operator.

(15.0) X. AUTHORITY

The authority to promulgate this regulation is provided in Section 8 of the Clean Air Act of Montana, enacted by the Legislative Assembly of Montana in 1967.

(3.0) XI. PERMIT TO OPERATE

Before any article, machine, equipment or other contrivance described in Section II of this regulation may be operated or used, a written permit shall be obtained from the director. No permit to operate or use shall be granted by the director for any article, machine, equipment or contrivance described in Section II of this regulation, constructed or installed without authorization as required by Section II of this

regulation, until the information required pursuant to these regulations is presented to the director and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards set forth elsewhere in the standards and regulations formulated under authority of the Clean Air Act of Montana.

A. Posting of Permit to Operate

A person who has been granted a permit to operate any article, machine, equipment, or other contrivance shall firmly affix such permit to operate, an approved facsimile, or other approved identification bearing the permit number upon the article, machine, equipment or other contrivance in such manner as to be clearly visible and accessible. In the event that the article, machine, equipment or other contrivance is so constructed or operated that the permit to operate cannot be so placed, the permit to operate shall be mounted so as to be clearly visible in an accessible place within 25 feet of the article, machine, equipment, or other contrivance, or maintain readily available at all times on the operating premises.

(3.0) XII. STANDARDS FOR GRANTING APPLICATION

A. The director shall deny an authority to construct, or permit to operate or use, except as provided in Section XIII of this regulation, if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment, that it may be expected to operate without emitting air contaminants in violation of standards and regulations formulated under authority of the Clean Air Act of Montana, or will interfere with the attainment or maintenance of any applicable national standards, or violate any regulations promulgated by the Administrator of the U.S. Environmental Protection Agency pursuant to the Federal Clean Air Act as amended.

B. Before an authority to construct or a permit to operate is granted, the director may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the authority to construct or permit to operate. In the event of such a requirement, the director shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with applicable laws and regulations concerning safe construction and safe practice.

C. In acting upon a permit to operate, if the director or a member of his staff finds that the article, machine, equipment or other contrivance has not been constructed in accordance with the authority to construct, he shall deny the permit to operate. The director shall not accept any further application for permit to operate the article, machine, equipment, or other contrivance so constructed until he finds that the article, machine, equipment or other contrivance has been constructed in accordance with the authority to construct.

(3.0) XIII. CONDITIONAL APPROVAL

A. The director may issue an authority to construct or a permit to operate or use, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Section XII of this regulation, in which case the conditions shall be specified in writing. Commencing work under such an authority to construct or operation under such a permit to operate shall be deemed acceptance of all the conditions so specified. The director shall issue an authority to construct or a permit to operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Section XII of this regulation under the revised conditions.

(3.0) XIV. DENIAL OF APPLICATIONS

A. In the event of denial of an authority to construct, or permit to operate or use, the director shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the persons served or affidavit of the person making the service. The director shall not accept a further application unless the applicant has complied with the objections specified by the director as his reasons for denial of the authority to construct, or the permit to operate or use.

(2.0) XV. EFFECTIVE DATE

The effective date of this regulation 90-001 shall be June 30, 1970 as amended.

Regulation 90-002
(Revised January 9, 1970)

(51.0) LIMITATIONS OF THE LEVELS, CONCENTRATIONS OR QUANTITIES OF EMISSIONS OF VARIOUS POLLUTANTS FROM SOURCES NECESSARY TO PREVENT, ABATE OR CONTROL AIR POLLUTION

(2.0) General: In the declaration of policy and purpose of the Clean Air Act of Montana, it is declared to be the public policy to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, foster and comfort and convenience of the people, promote the economic and social development of this state and facilitate the enjoyment of the natural attractions of this state.

To prevent, abate or control air pollution, the regulations contained herein are hereby established as requirements of the State Board of Health.

(15.0) Authority: The authority to promulgate these regulations is provided in Section 10 of the Clean Air Act of Montana.

(1.0) Definitions:

____ "Animal Matter" shall mean any product or derivative of animal life.

____ "Control Equipment" shall mean any device or contrivance which prevents or reduces emissions.

____ "Control Officer" shall mean the Executive Officer for the State Department of Health, or the Director, or any employee of the Department designated by the Director, or any local health officer or employee designated by the Director.

____ "Department" shall mean the Montana State Department of Health.

____ "Director" shall mean the Director of the Division of Air Pollution Control and Industrial Hygiene, Montana State Department of Health.

____ "Existing Equipment" shall mean equipment installed prior to November 23, 1968.

____ "Food Service Establishment" shall mean any fixed or mobil restaurant; coffee shop; cafeteria; short-order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; private, public or nonprofit organization or institution

routinely serving food; catering kitchen, commissary, or similar place in which food or drink is placed for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

___ "Fuel Burning Equipment" shall mean any furnace, boiler apparatus, stack, or appurtenances thereto used in the process of burning fuel or other combustible material for the primary purpose of producing heat or power by indirect heat transfer.

___ "Incinerator" shall mean any equipment, device or contrivance used for the destruction of garbage, rubbish or other wastes by burning, but not wood wastes burned in devices commonly called teepee burners, silos, truncated cones, wigwam burners or other such burners used commonly by the wood products industries and not including barrels, baskets or other contrivances commonly termed backyard trash burners, trash barrels or ash pits.

___ "Installation" shall mean any property, real or personal, including but not limited to processing equipment, manufacturing equipment, fuel burning equipment, incinerators, or any other equipment, or construction, capable of creating or causing emissions.

___ "Multiple Chamber Incinerator" shall mean any article, machine, equipment, contrivance, structure or part of a structure used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate parameters necessary for maximum combustion of the material to be burned.

___ "New Equipment" shall mean:

(a) Any equipment, installation, construction, article, machine or contrivance constructed or installed after the effective date of this regulation;

(b) Any equipment replaced or altered or processes changed in such a manner after the effective date of this regulation as to have any substantial effect on the production or control of air contaminants;

(c) Any equipment moved after the effective date of this regulation to another premise involving a change of address;

(d) Any equipment purchased and to be operated after the effective date of this regulation by a new owner or when a new lessee desires to operate such equipment.

___ "Odor" shall mean that property of an emission which stimulates the sense of smell.

___ "Open fire" shall mean a fire where any material is burned in the open or in a receptacle other than a furnace or multiple chamber incinerator.

___ "Particulate Matter" shall mean any material, except water in uncombined form that is or has been air-borne, and exists as a liquid or a solid at standard conditions.

___ "Person" means any individual, partnership, firm, association, municipality, public or private corporation, sub-division or agency of the state, trust, estate or any other legal entity.

___ "Premises shall mean any property, piece of land or real estate or building.

___ "Process Weight" shall mean the total weight of all materials introduced into any specific process which may cause emissions. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not.

___ "Process Weight Rate" shall mean the rate established as follows:

For continuous or long-run steady-state operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.

For cyclical or batch operations, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such a period. Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply.

___ "Public Nuisance" shall mean any condition of the atmosphere beyond the property line of the offending person which is injurious to health, or offensive to the senses, or which cause or constitutes an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

___ "Reduction" shall mean any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating, and protein concentrating.

___ "Ringelmann Smoke Chart" shall mean the chart published and described in the latest applicable U.S. Bureau of Mines Information Circular, used in estimating the light obscuring power of smoke.

___ "Salvage Operation" shall mean any operation conducted in whole or in part for the salvaging or reclaiming of any product or material.

___ "Source" shall mean any property, real or personal, or person contributing to air pollution.

___ "Stack or Chimney" shall mean any flue, conduit or duct arranged to conduct emissions.

___ "Standard Conditions" shall mean a temperature of 70^{o} Fahrenheit and pressure reduced to 29.92 inches of mercury at sea level.

___ "Trade Waste" shall mean solid, liquid, or gaseous material resulting from construction or the prosecution of any business, trade, or industry, or any demolition operation including but not limited to wood, plastics, cartons, grease, oil, chemicals and cinders.

___ "Wood-Waste Burners" shall mean devices commonly called tepee burners, silos, truncated cones, wigwam burners, and other such burners commonly used by the wood product industry for the disposal by burning of wood wastes.

___ The definitions contained in Section 69-3906 R.C.M., 1947 shall be applicable, where appropriate.

Regulation 90-003
Revised January 9, 1970

(51.9)

INCINERATORS

A. Particulate Matter from Incinerators

No person shall cause, suffer, or allow to be discharged into the outdoor atmosphere from any incinerator, particulate matter to exceed 0.3 grains per standard cubic foot of dry flue gas, adjusted to 12 percent carbon dioxide and calculated as if no auxiliary fuel had been used, for incinerators designed for burning not more than 200 pounds of refuse per hour or to exceed 0.2 grains per standard cubic foot of dry flue gas, adjusted to 12 percent carbon dioxide and calculated as if no auxiliary fuel had been used, for incinerators designed for burning more than 200 pounds of refuse per hour.

B. Construction

1. No incinerator shall be used for the burning of refuse unless such incinerator is a multiple chamber incinerator. Existing incinerators which are not multiple chamber incinerators may be altered, modified or rebuilt as may be necessary to meet this requirement. The director may approve any other alteration or modification to an existing incinerator if such be found by him to be equally effective for the purpose of air pollution control as a modification or alteration which would result in a multiple chamber incinerator. All new incinerators shall be multiple chamber incinerators, provided that the director may approve any other kind of incinerator if he finds in advance of construction or installation, that such other kind of incinerator is equally effective for purposes of air pollution control as an approved multiple chamber incinerator.

2. Existing incinerators which are not multiple chamber incincerators and do not otherwise meet the requirements of Section B (1) of this regulation shall be modified or rebuilt in compliance with this section in accordance with the following schedule:

Rated Capacity	Latest Date for Compliance
2000 lbs/hr or above	June 30, 1970
1000 - 1999 lbs/hr	June 30, 1970
All others	June 30, 1970

C. Hours of Operation

No person shall operate or cause or permit the operation of any incinerator at any time other than between the hours of 10:00 a.m. and 4:00 p.m. This restriction shall not apply to incinerators having a refuse burning capacity of five tons per hour or more.

(50.1.1)

RESTRICTION OF EMISSION OF PARTICULATE MATTER FROM INDUSTRIAL PROCESSES

A. Emission Limitations

No person shall cause, suffer, allow, or permit to be discharged into the outdoor atmosphere from any operation, process or activity, except (a) fuel burning equipment and (b) incinerators, particulate matter in excess of the amount shown in Table I of this regulation. When the process weight falls between two values in the table, the maximum weight discharged per hour shall be determined by interpolation.

When the process weight exceeds 60,000 pounds per hour, the maximum allowable weight discharged per hour will be determined by use of the following equation:

$$E = 55.0\ P^{0.11} - 40$$

Where E = Maximum rate of emission in pounds per hour --
P = Process weight rate in tons per hour.

TABLE I

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
lb/hr	Tons/hr	lb/hr	lb/hr	Tons/hr	lb/hr
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.	19.2
600	0.30	1.83	30,000	15.	25.2
800	0.40	2.22	40,000	20.	30.5
1,000	0.50	2.58	50,000	25.	35.4
1,500	0.75	3.38	60,000	30.	40.0
2,000	1.00	4.10	70,000	35.	41.3
2,500	1.25	4.76	80,000	40.	42.5
3,000	1.50	5.38	90,000	45.	43.6
3,500	1.75	5.96	100,000	50.	44.6
4,000	2.00	6.52	120,000	60.	46.3
5,000	2.50	7.58	140,000	70.	47.8
6,000	3.00	8.56	160,000	80.	49.0
7,000	3.50	9.49	200,000	100.	51.2
8,000	4.00	10.4	1,000,000	500.	69.0
9,000	4.50	11.2	2,000,000	1,000.	77.6
10,000	5.00	12.0	6,000,000	3,000.	92.7
12,000	6.00	13.6			

Interpolation of the data in this table for process weight rates up to 60,000 lb/hr shall be accomplished by use of the equation $E = 4.10\ P^{0.67}$,

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lb/hr shall be accomplished by use of the equation: $E = 55.0 P^{0.11} - 40$, where E = rate of emission in lb/hr and P = process weight rate in tons/hr.

B. Effective Date

The effective date of this regulation for existing equipment shall be June 1, 1970. For new equipment, the effective date shall be November 23, 1968.

Regulation 90-005

(50.1) PREVENTING PARTICULATE MATTER FROM BECOMING AIR-BORNE

A. No person shall cause or permit the handling or transporting or storage of any material in a manner which allows or may allow controllable particulate matter to become air-borne.

B. No person shall cause or permit a building or its appurtenances or a road, or a driveway, or an open area to be constructed, used, repaired or demolished without applying all such reasonable measures as may be required to prevent particulate matter from becoming air-borne. The Director may require such reasonable measures as may be necessary to prevent particulate matter from becoming air-borne, including but not limited to, paving or frequent cleaning of roads, driveways and parking lots; application of dust-free surfaces, application of water; and the planting and maintenance of vegetative ground cover.

C. The effective date of this regulation shall be November 23, 1968.

(51.5)

MAXIMUM ALLOWABLE EMISSION OF PARTICULATE MATTER FROM FUEL BURNING EQUIPMENT

A. Particulate Matter from Fuel Burning Equipment

No person shall cause, suffer, allow or permit particulate matter caused by the combustion of fuel to be discharged from any stack or chimney into the atmosphere in excess of the hourly rate set forth in the following table:

Heat Input in Million British Thermal Units per hour	Maximum Allowable Emmissions of Particulate Matter in Pounds per Million British Thermal Units	
	Existing Fuel Burning Equipment	New Fuel Burning Equipment
Up to and including 10	0.60	0.60
100	0.40	0.35
1,000	0.28	0.20
10,000 and above	0.19	0.12

B. For a heat input between any two consecutive heat inputs stated in the preceding table, maximum allowable emissions of particulate matter are shown for existing fuel burning equipment on Figure 1 and for new fuel burning equipment on Figure 2. For the purposes hereof, heat input shall be calculated as the aggregate heat content of all fuels (using the upper limit of their range of heating value) whose products of combustion pass through the stack or chimney.

1. When two or more fuel burning units are connected to a single stack, the combined heat input of all units connected to the stack shall be used to determine the allowable emission from the stack.

2. When a single fuel burning unit is connected to two or more stacks, the allowable emission from all the stacks combined shall not exceed that allowable for the same unit connected to a single stack.

C. The effective date of this regulation for existing equipment shall be June 1, 1970. For new equipment, the effective date shall be November 23, 1968.

FIGURE 2

MAXIMUM EMISSION OF PARTICULATE MATTER
FROM NEW FUEL BURNING INSTALLATIONS

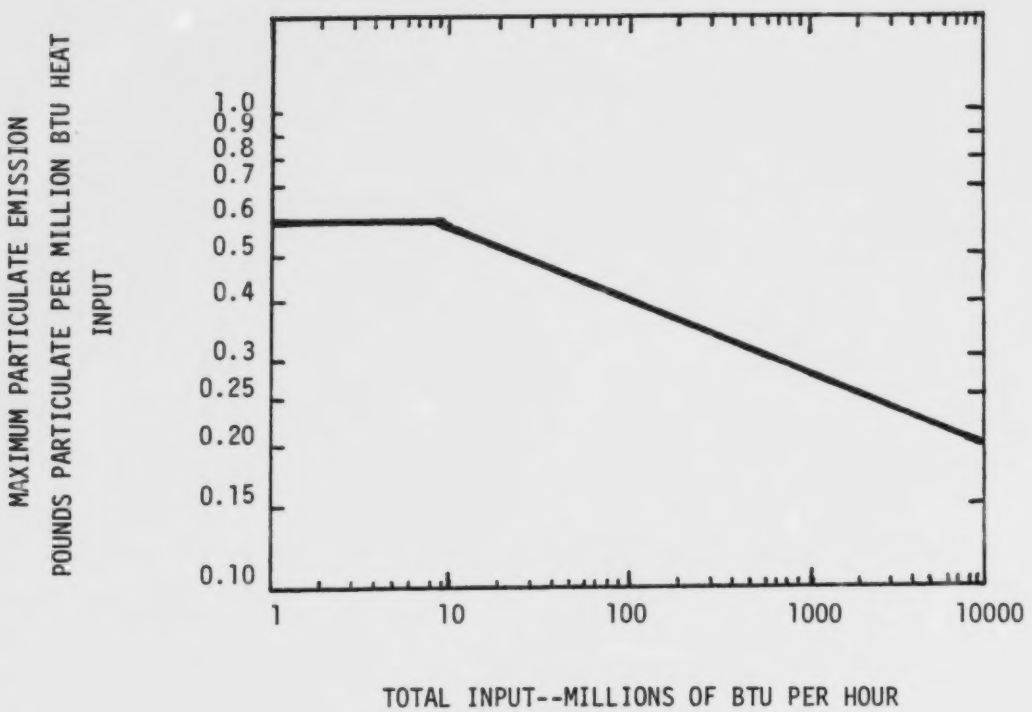
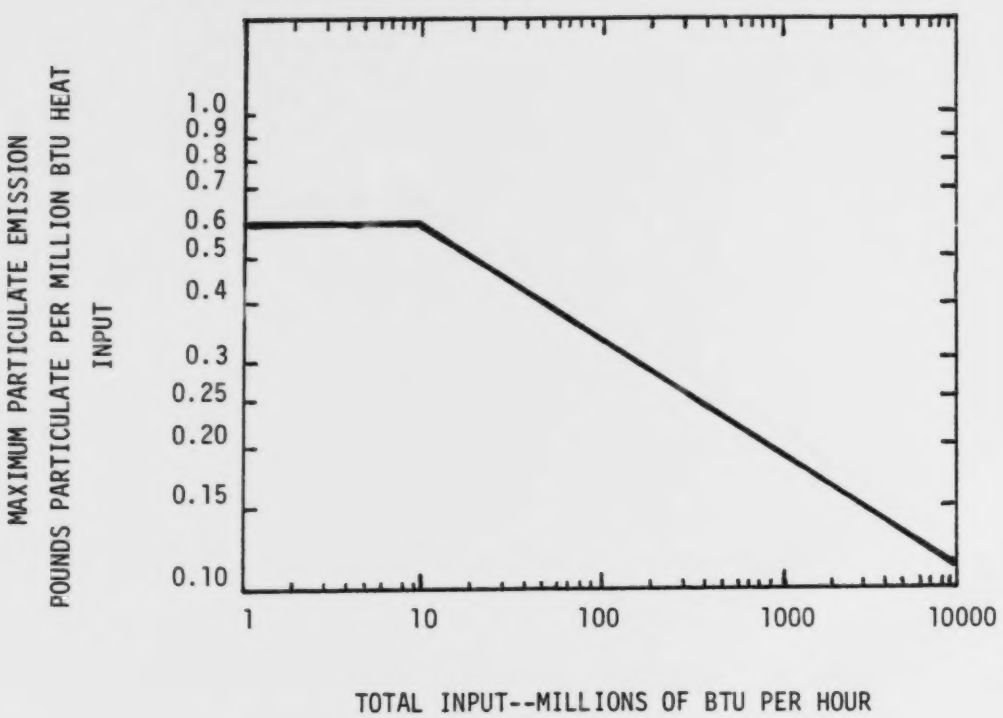


FIGURE 1

MAXIMUM EMISSION OF PARTICULATE MATTER
FROM EXISTING FUEL BURNING INSTALLATIONS



Regulation 90-007

(50.1.2) RESTRICTION OF EMISSION OF VISIBLE AIR CONTAMINANTS

A. Restrictions Applicable to Existing Installations

No person shall cause, suffer, allow or permit emissions from any installations which are

1. of a shade or density darker than that designated as No. 2 on the Ringelmann Chart, or

2. of such opacity as to obscure an observer's view to a degree greater than does smoke described in subsection A (1) of this regulation.

This Section A shall not apply to existing incinerators or existing wood-waste burners.

B. Restrictions Applicable to New Installations and All Incinerators

No person shall discharge into the atmosphere from any single source of emission whatsoever any air contaminant

1. of a shade or density darker than that designated as No. 1 on the Ringelmann Chart, or

2. of such opacity as to obscure an observer's view to a degree greater than does smoke described in subsection B (1) of this regulation.

C. Exceptions

1. The provisions of subsection A and subsection B of this regulation shall not apply to emissions during the building of a new fire, cleaning of fires or soot blowing, the shade or density of which is less than No. 3 on the Ringelmann Smoke Chart or of such opacity as to obscure an observer's view to a degree greater than does smoke designated as No. 3 on the Ringelmann Smoke Chart for a period or periods aggregating no more than four minutes in any sixty minutes.

2. Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of Sections A or B of this regulation, such sections shall not apply.

3. The provisions of Section A of this regulation shall not apply to the following:

   a. Transfer of molten metals.

   b. Emissions from transfer ladles.

D. Effective Date

The effective date of this regulation shall be November 23, 1968 with exceptions indicated by Section B (2), Regulation 90-003; Section B, Regulation 90-004; Section C, Regulation 90-006; Section B, Regulation 90-010; Section C and D, Regulation 90-014.

Regulation 90-008

(50.2) RESTRICTION OF SULFUR OXIDE EMISSIONS

I. GROUND LEVEL CONCENTRATIONS

A. No person or persons shall cause or permit the emission of sulfur dioxide from any premises which will result in concentrations and frequencies at ground level that exceed the following:

1. Concentrations shall not exceed 2.0 ppm* at any time.

2. Concentrations may exceed 1.0 ppm for not more than 2½ minutes in any 60 consecutive minutes at a frequency of not more than twice in any eight (8) consecutive hours for a total of not more than 15 minutes in any 24 consecutive hours.

3. Concentrations may exceed 0.5 ppm for not more than five (5) minutes in any 60 consecutive minutes at a frequency of not more than twice in any eight (8) consecutive hours for a total of not more than 30 minutes in any 24 consecutive hours.

4. Concentrations may exceed 0.2 ppm for not more than ten (10) minutes in any 60 consecutive minutes at a frequency of not more than twice in any eight (8) consecutive hours for a total of not more than 60 minutes in any 24 consecutive hours.

5. Concentrations may exceed 0.1 ppm for not more than thirty (30) minutes in any 60 consecutive minutes at a frequency of not more than twice in any eight (8) consecutive hours for a total of not more than 150 minutes in any 24 consecutive hours.

6. The average of all concentrations in any 24 consecutive hours shall not exceed 0.1 ppm.

*Parts per million by volume.

B. Emissions exceeding the limits established in this subsection A shall not constitute a violation of this regulation provided such emissions, from the emission point to the point of any such concentration, are on property controlled by the person responsible for such emissions.

C. Ground Level Monitoring

1. Any person or persons responsible for emissions of SO_2 in concentrations of 2000 ppm or more shall, when notified in writing by the director, provide not more than ---

a. Four recording SO_2 monitoring stations in the area surrounding the source, equipped and located in a manner approved by the Director, and continuously operated so that the SO_2 concentrations in the atmosphere at ground-level in that locality will be properly measured.

b. The recording SO_2 monitoring stations shall be ordered not more than thirty (30) days after notification by the Director and placed in satisfactory operation at sites approved by the director not more than sixty (60) days after receipt from the vendor.

c. The specifications of the recording SO_2 monitoring stations shall be submitted to the director for his approval. Any instrument or equipment not approved shall be deemed in non-compliance with this Section.

2. Such person shall provide at least one recording meteorological station equipped to record wind speed and wind direction.

3. Such person shall provide the necessary care and maintenance services so that the instruments will function properly and adequately record SO_2 exposures, wind speed and direction in the area.

4. Such person shall provide to the director a summary of the data obtained from such instruments during each calendar month. Such summary shall be in such form and detail as will show the degree of compliance with subsection A, and the time, location, extent, and duration of any recorded violation of the provisions of subsection A. Such person shall also include data giving the total mass rate of emission of SO_2 from the emission points specified by the Director and a detailed report of instrument performance and maintenance; and shall be submitted within the calendar month immediately succeeding the recording of the data.

5. Such person shall keep for a period of at least one year all records gathered as a result of the requirements of this subsection C and shall make these available to the Director at his request.

6. Such person shall examine at the time of each instrument maintenance check and in any case at intervals of no greater than every seven days instrument records taken pursuant to the requirements of subsection C (1) to determine compliance with subsection A. Any recorded violation of subsection A shall be reported to the Director within the next normal working day after such examinations.

7. Whenever the records indicate that a violation of subsection A has occurred the person or persons responsible for such emission shall furnish evidence that proper action has been taken to prevent recurrence. When instrument records are not adequate to show compliance with subsection A the Director may specify the schedule to be followed for producing a satisfactory record history.

D. Definitions:

1. "SO_2" shall mean sulfur dioxide.

2. "ppm" shall mean parts of a contaminant per million parts of a gas by volume.

E. The effective date of this Section I of this regulation 90-008 shall be April 30, 1970

(51.6) II. REGULATION OF SULFUR IN FUEL

A. Commencing July 1, 1970 no person shall burn liquid or solid fuels containing sulfur in excess of two (2) pounds of sulfur per million Btu fired.

B. Commencing July 1, 1971 no person shall burn liquid or solid fuels containing sulfur in excess of 1.5 pounds of sulfur per million Btu fired.

C. Commencing July 1, 1972 no person shall burn liquid or solid fuels containing sulfur in excess of one (1) pound of sulfur per million Btu fired.

D. Commencing July 1, 1971 no person shall burn any gaseous fuel containing sulfur compounds in excess of 50 grains per 100 cubic feet of gaseous fuel, calculated as hydrogen sulfide at standard conditions. The provisions of this subsection II (D) shall not apply to:

1. The burning of sulfur, hydrogen sulfide, acid sludge or other sulfur compounds in the manufacturing of sulfur or sulfur compounds.

2. The incinerating of waste gases provided that the gross heating value of such gases is less than 300 Btu's per cubic foot at standard conditions and the fuel used to incinerate such waste gases does not contain sulfur or sulfur compounds in excess of the amount specified in this rule.

3. The use of fuels where the gaseous products of combustion are used as raw materials for other processes.

E. Exceptions

1. A permit may be granted by the director to burn fuels containing sulfur in excess of the sulfur contents indicated in Section II of this regulation provided it can be shown that the facility burning the fuel is fired at a rate of one million Btu per hour or less.

2. For purpose of Section II, of this regulation, a higher sulfur-containing fuel may, upon application to the director, be utilized in subsections A, B or C if such fuel is mixed with one or more lower sulfur-containing fuels which results in a mixture, the equivalent sulfur content of which, is not in excess of the stated values when fired.

3. The requirements of subsection A, B or C of Section II of this regulation shall also be deemed to have been satisfied if upon application to the director, a sulfur dioxide control process is applied to remove the sulfur dioxide from the

gases emitted by the burning of fuel of any sulfur content which results in an emission of sulfur in pounds per hour not in excess of the pounds per hour of sulfur that would have been emitted by burning fuel of the sulfur content indicated without such a cleaning device.

F. Definition:

1. "Btu" means British thermal unit which is the heat required to raise the temperature of one pound of water through one fahrenheit degree.

III. Maximum allowable emission of reduced sulfur from primary non-ferrous smelters and slag treatment plants.

A. No person or persons shall cause, suffer, allow or permit to be discharged into the outdoor atmosphere from any copper, zinc or lead smelting operation or any slag treatment plant reduced sulfur in excess of the amount shown in the following table:

Total Feed of Sulfur, lb/hr	Allowable Sulfur Emission, lb/hr		
	Cu	Zn	Pb
1,000	100	100	100
5,000	500	394	348
10,000	1,000	704	593
20,000	2,000	1,270	1,000
40,000	4,000	2,310	1,000
60,000	6,000	3,210	1,000
80,000	8,000	4,120	1,000
100,000	10,000	5,000	1,000
over 100,000	10,000	5,000	1,000

B. For a total sulfur feed input between any two consecutive total sulfur feed inputs stated in the preceding table, maximum allowable emissions are shown on figure I of this Section III. For the purposes hereof, total sulfur input shall be calculated as the aggregate sulfur content of all fuels and other feed materials whose products of combustion and gaseous byproducts pass through the stack or chimney.

1. When two or more furnaces, sinter machine, sinter boxes, roasters, converters or other similar devices for converting copper, zinc or lead ores, concentrates, residues or slag to the metal or the oxide of the metal either wholly or in part are connected to a single stack, the combined sulfur input of all units connected to the stack shall be used to determine the allowable emission from the stack.

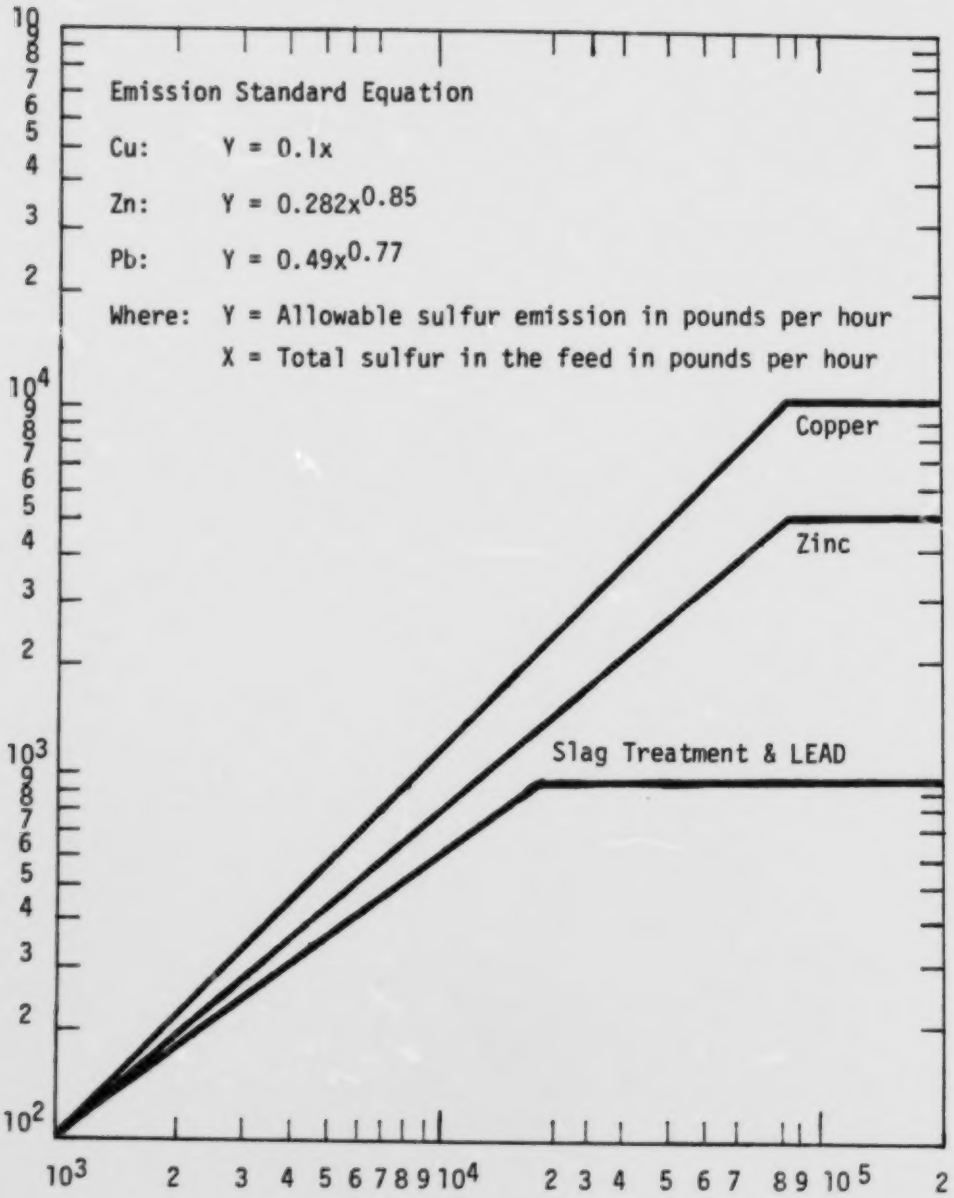
2. When a single furnace, sinter machine, sinter box, roaster, converter or other similar device for converting copper, zinc, or lead ores, concentrates, residues or slag to the metal or the oxide of the metal either wholly or in part is connected to two

or more stacks, the allowable emission from all the stacks combined shall not exceed that allowable from the same unit connected to a single stack.

The effective date of this Section III for existing operations shall be June 30, 1973. For new operations, the effective date shall be June 30, 1970.

FIGURE I

MAXIMUM ALLOWABLE EMISSION OF REDUCED SULFUR
FROM PRIMARY NON-FERROUS SMELTERS
AND SLAG TREATMENT PLANTS



(51.14) KRAFT PULP MILLS

IV. Maximum allowable emission of total reduced sulfur (TRS) from Kraft pulping mills.

A. No person or persons shall cause, suffer, allow or permit to be discharged into the outdoor atmosphere from any Kraft pulping mill total reduced sulfur in excess of .087 pounds per 1000 pounds of black liquor from each recovery furnace stack or seventeen and one-half (17½) ppm, expressed as hydrogen sulfide on a dry gas basis, whichever is more restrictive or such other limit of TRS that proves to be reasonably attainable utilizing the latest in design of recovery furnace equipment, controls and procedures but not more than 0.087 pounds of TRS per 1000 pounds of black liquor.

B. Non-condensibles from digesters and multiple-effect evaporators shall be treated to reduce the emission of TRS equal to the reduction achieved by thermal oxidation in a lime kiln.

C. Monitoring and Reporting

1. Every Kraft mill in the state shall install equipment for the continual monitoring of TRS.

2. The monitoring equipment shall be capable of determining compliance with these standards and shall be capable of continual sampling and recording of the concentrations of TRS contaminants during a time interval not greater than thirty minutes.

3. The sources monitored shall include, but are not limited to, the recovery furnace stacks and the lime kiln stacks.

4. Each mill shall sample the recovery furnace, lime kiln, and smelt tank for particulate emissions on a regularly scheduled basis in accordance with its approved sampling program.

5. Each mill shall submit within sixty days after the effective date of this regulation a detailed monitoring program and time schedule for approval by the director. The equipment shall be ordered within thirty days after the monitoring program has been approved in writing by the director. The equipment shall be placed in effective operation in accordance with approved program within sixty days after delivery.

6. Unless otherwise authorized by the director, data shall be reported by each mill at the end of each calendar month, as follows:

(a) Daily average emission of TRS gases expressed in pounds of sulfur per 1000 pounds of black liquor fired for each source included in the approved monitoring program.

(b) The number of hours each day that the emission of TRS gases from each recovery furnace stack exceeds 17½ ppm dry and the maximum concentration of TRS measured each day.

(c) Emission of TRS gases in pounds of sulfur per 1000 pounds of black liquor fired in the kraft recovery furnace on a monthly basis and pounds of sulfur per hour for the other sources included in the approved monitoring program. Emission of particulates in pounds per hour based upon a sampling conducted in accordance with the approved monitoring program.

(d) Average daily Kraft pulp production in air-dried tons and average daily black liquor burning rate.

(e) Other emission data as specified in the approved monitoring program.

7. Each Kraft mill shall furnish, upon request of the director, such other pertinent data as may be required to evaluate the mill's emission control program. Each mill shall immediately report abnormal mill operations which result in increased emissions of air contaminants, following procedures set forth in the approved monitoring program.

D. All emission standards in this Section IV shall be based on average daily emissions. The limitations herein shall not preclude a requirement to install the highest and best practicable treatment and control available. New mills or mills expanding existing facilities may be required to meet more restrictive emission limits.

E. Definitions

1. For purposes of this Section IV, the following definitions shall apply:

(a) "Continual monitoring" means sampling and analysis, in a continuous or times sequence, using techniques which will adequately reflect actual emission levels or concentrations on a continuous basis.

(b) "Kraft mill" or "mill" means any pulping process which uses, for cooking liquor, an alkaline sulfide solution containing sodium sulfide.

(c) "Non-condensibles" means gases and vapors from the digestion and evaporation processes of a mill that are not condensed with the equipment used in those processes.

(d) "ppm" (parts per million" means parts of a contaminant per million parts of gas by volume.

(e) "Recovery furnace stack" means the stack from which the products of combustion from the recovery furnace are emitted to the ambient air.

(f) "Total reduced sulfur, (TRS)" means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present.

F. The effective date of this Section IV of this regulation 90-008 shall be November 30, 1972 for existing mills and June 30, 1970 for new mills.

Regulation 90-009

(50.6) CONTROL OF ODORS IN THE AMBIENT AIR

A. No person shall cause, suffer, or allow any emissions of gases, vapors, odors beyond the property line in such manner as to create public nuisance.

B. The Board may institute legal proceedings for the abatement of such public nuisance.

C. Odor Control Equipment

1. A person operating or using any machine, device, equipment, or other contrivance which discharges into the outdoor air any odorous matter or vapors, gases, dusts, or any combination thereof which create odors, shall provide, properly install, and maintain in good working order and in operation such devices as may be specified by the Director.

2. No person shall operate or use any such machine, device, equipment, or contrivance in such manner as to create a public nuisance.

D. Other Odor Control Measures

1. Odor producing materials shall be so stored and handled that odors produced thereby do not create a public nuisance. No person shall accumulate such quantities of such materials as to permit spillage or other escape.

2. Odor bearing gases, vapors, fumes, or dusts arising from materials in process shall be so confined at the point of origin as to prevent liberating of odorous matter. Confined gases, vapors, fumes, or dusts shall be treated before discharge to the atmosphere as required in subsection C.

E. Enclosure of Buildings

Whenever dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof so escape as to cause a public nuisance, the Director may order that a building or buildings in which processing, handling, and storage are done be tightly closed and ventilated in such a way that all air and gases and air or gas-borne material leaving the building are treated by incineration or other effective means for removal or destruction of odorous matter or other contaminants before discharge into the open air.

F. Exceptions

The provisions of this regulation shall not apply to any device, machine, equipment, or other contrivance used exclusively for the processing of food for human consumption in food service establishments.

G. Odor Control Equipment Required in Reduction Processes

1. No person shall operate or use any device, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors, and gas-entrained effluents from such facility are incinerated at a temperature of not less than 1200° Fahrenheit for a period of not less than 0.3 seconds or processed in such manner as determined by the Director to be equally or more effective for the purpose of air pollution control.

2. A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this rule shall provide, properly install and maintain, in good working order and in operation, devices as specified by the Director for indicating temperature, pressure, or other operating conditions.

H. The effective date of this regulation shall be March 1, 1969.

Regulation 90-010
Revised January 9, 1970

(51.13) OPEN BURNING RESTRICTIONS

A. Refuse Burning Restrictions

No person shall cause, suffer, allow or permit an open fire except under the following conditions:

1. When such fire is set or permission for such fire is given in the performance of the official duty of a public officer, and in the opinion of the control officer is necessary:

   a. for the purpose of the elimination of a fire hazard which cannot be abated by any other means.

   b. for instruction in methods of fighting fires.

   c. for the purpose of removing any hazardous material.

2. When such fire is set in the course of an essential agricultural operation in the growing of crops or in the course of accepted forestry practices provided no public nuisance is created and provided a permit has been secured from the control officer.

3. When fires are set for the clearing of lands for new roads under conditions stipulated in writing by the control officer and after having applied for and received a permit for such open fire from the control officer.

4. When salamanders or other devices are used for heating by construction or other workers provided no public nuisance is created and provided no tires, oily rags or other materials producing dense smoke are burned.

5. When burning materials originating on the premises by individuals residing on the premises, excluding commercial establishments, where no provision is available by private hauler providing a public service or by a tax supported service for the collection of material being burned and no public nuisance is created, but not including chicken litter, animal droppings, garbage, dead animals, tires, waste oil, tar paper and similar materials creating dense smoke when burned and after having applied for and received a permit from the control officer.

6. When fires are used for outdoor cooking or other recreational purposes and no public nuisance is created.

B. Salvage Operations by Open Fires

No person shall cause, suffer, allow or permit an open fire for the purpose of conducting a salvage operation after July 1, 1969.

1. Until July 1, 1969, fires may be set for preparing salvage material for the scrap market under the following conditions:

   a. Authority is granted by the control officer.

   b. No automobile tires shall be burned.

   c. Burning shall be done between the hours of 12 noon and 5:00 p.m.

   d. Burning shall be conducted only if it shall not constitute a public nuisance.

C. Restrictions on Open Burning of Trade Wastes

1. No person shall cause or permit the disposal of trade wastes by open burning, except as provided in subsection C (2) of this regulation.

2. The open burning of trade wastes may be permitted when it can be shown by a person that such open burning is absolutely necessary and in the public interest. Any person intending to engage in open burning of trade wastes shall file a request to do so with the control officer.

   The application shall state the following:

   a. The name, address, and telephone number of the person submitting the application.

   b. The type of business or activity involved..

   c. A description of the proposed equipment and operating practices, the type, quantity, and composition of trade wastes to be burned, and the expected composition and amount of air contaminants to be released to the atmosphere.

   d. The schedule of burning operations.

   e. The exact location where open burning will be used to dispose of trade wastes.

   f. Reasons why no method other than open burning can be used for disposal of trade wastes.

   g. Evidence that the proposed open burning has been approved by any fire department or other fire control officer which may have jurisdiction.

D. Effective Date

The effective date of this regulation shall be November 23, 1968.

Regulation 90-011

(7.0) MALFUNCTION OF AN INSTALLATION

A. Requirements for Notification

When a malfunction in any installation occurs that can be expected to increase the emissions, and to continue for a period greater than 8 hours, the person shall notify the Director or the Department by telephone. On receipt of this notification, the Director or the Department may permit the continuance of the operation for a period not to exceed 10 days provided that written application is made to the Director or the Department. Such application shall be made within 24 hours of the malfunction or within such other time period as the Director or Department may specify. In cases of major equipment failure, additional time period may be granted by the Director provided a corrective program has been submitted by the person and approved by the Director.

B. The effective date of this regulation shall be November 23, 1968.

Regulation 90-012

(2.0) CIRCUMVENTION

Control Equipment

A. No person shall cause or permit the installation or use of any device of any means which, without resulting in reduction in the total amount of air comtaminant emitted, conceals or dilutes an emission of air contaminant which would otherwise violate an air pollution control regulation.

B. No equipment that may produce emissions shall be operated or maintained in such a manner that a public nuisance is created.

C. The effective date of this regulation shall be November 23, 1968.

Regulation 90-013

(12.0) CONTROL OF AIR POLLUTION IN MOTOR VEHICLES

A. Removal of Control Devices

No person shall intentionally remove, alter or otherwise render inoperative exhaust emission control, crankcase ventilation or any other air pollution control device which has been installed as a requirement of Federal law or regulation.

B. Operation of Motor Vehicles

No person shall operate a motor vehicle originally equipped with air pollution control devices as required by Federal law or regulation unless such devices are in place and in operating condition.

C. The effective date of this regulation shall be November 23, 1968.

Regulation 90-014

(51.20) PREVENTION, ABATEMENT, AND CONTROL OF AIR POLLUTION FROM WOOD-WASTE BURNERS

A. Wood-Waste Burner Construction Prohibited Without Prior Approval

Construction, reconstruction, or substantial alteration of wood-waste burners is prohibited after the effective date of this regulation unless plans and specifications have been submitted to, and approved by, the Director.

B. Emission Standards for Wood-Waste Burners Constructed, Reconstructed, or Substantially Altered after the Effective Date of this Regulation

1. There shall not be discharged into the atmosphere from any wood-waste burner any air contaminant for a period or periods aggregating more than four minutes in any one hour which is

   a. darker in shade than that designated as No. 1 of the Ringelmann Chart, or

   b. of such opacity as to obscure an observer's view to a degree greater than that described in subsection a. of this section.

2. Particulate matter shall not be discharged from a wood-waste burner in excess of 0.2 grains per standard cubic foot corrected to 12% CO_2 for existing installations or in excess of 0.1 grains per standard cubic foot corrected to 12% CO_2 for new installations.

C. Existing wood-waste burners shall comply with emission standards of this regulation within 18 months from the effective date of this regulation. All new wood-waste burners shall comply with the emission standards set forth in Section B of this regulation.

D. Existing wood-waste burners shall comply within 18 months from the effective date of this regulation and new wood-waste burners with the following:

1. A thermocouple and recording pyrometer or other approved temperature measurement and recording devices shall be installed and maintained. The thermocouple shall be installed on the burner at a location six inches above and near the center of the horizontal screen or at another approved location.

2. A daily written log of the wood-waste burner operation shall be maintained to determine optimum patterns of operation for various fuel and atmospheric conditions. The log shall include, but not be limited to, the time of day, draft settings, exit gas temperature, type of fuel, and atmospheric conditions. The log or a copy shall be submitted to the Director within ten days upon request.

3. Rubber products, asphaltic materials, or materials which cause dense smoke discharge shall not be burned or disposed of in wood-waste burners.

E. Operation and Maintenance

The owners or operators of all wood-waste burners shall submit the names of operating and maintenance personnel and specify their duties regarding burner operations and control and any other duties not associated with burner operation control. It must be shown that there is adequate responsibility delegated for proper burner operation, control, maintenance. The owner is responsible for having an operator trained and competent in the operation of the wood-waste burner in charge of the wood-waste burner.

F. Wood-Waste Burner Use Restricted

No person shall use a wood-waste burner for the burning of other than production process wood waste transported to the burner by continuous flow conveying methods.

G. New Wood-Waste Burner Definition

1. Any wood-waste burner constructed or installed after the effective date of this regulation;

2. Any wood-waste burner replaced or altered after the effective date of this regulation as to have any effect on the production or control of air contaminants;

3. Any wood-waste burner moved after the effective date of this regulation to another premise involving a change of address;

4. Any wood-waste burner purchased or otherwise acquired and to be operated after the effective date of this regulation by a new owner or when a new lessee desire to operate such burner.

H. Exceptions

For building of fires in wood-waste burners, the darkness or opacity provision and the particulate provisions under Section B of this regulation may be exceeded for not more than 60 minutes in 8 hours.

I. Effective Date

The effective date of this regulation shall be November 23, 1968, except as otherwise herein provided.

STATE OF MONTANA

STATE BOARD OF HEALTH

(4.0) Regulation 90-015

AMBIENT AIR QUALITY STANDARDS

Adopted May 27, 1967
Montana State Board of Health
Helena, Montana

(4.0) MONTANA AMBIENT AIR QUALITY STANDARDS

I. Introduction

In accordance with Section 6, Subsection 12 of the Clean Air Act of Montana (House Bill 8 - 1967), on May 27, 1967 the Montana State Board of Health adopted the Ambient Air Quality Standards shown below.

II. Criteria

Until additional pertinent information becomes available with respect to the effects of the substances listed below, the following air quality criteria shall apply in Montana.

Pollutants	Standards (Maximum permissible concentrations)
Sulfur dioxide[a]	0.02 ppm, maximum annual average 0.10 ppm, 24-hour average, not be exceeded over 1 percent of the days in any 3-month period 0.25 ppm not to be exceeded for more than one hour in any 4 consecutive days
Reactive sulfur (sulfation)[b]	0.25 milligram sulfur trioxide per 100 square centimeters per day, maximum annual average 0.50 milligram sulfur trioxide per 100 square centimeters per day, maximum for any 1-month period
Suspended sulfate[c]	4 micrograms per cubic meter of air, maximum allowable annual average 12 micrograms per cubic meter of air, not to be exceeded over 1 percent of the time
Sulfuric acid mist[d]	4 micrograms per cubic meter of air, maximum allowable annual average 12 micrograms per cubic meter of air, not to be exceeded over 1 percent of the time 30 micrograms per cubic meter of air, hourly average, not to be exceeded over 1 percent of the time
Hydrogen sulfide[e]	0.03 ppm, 1/2-hour average, not to be exceeded more than twice in any 5 consecutive days 0.05 ppm, 1/2-hour average, not to be exceeded over twice a year

Pollutants	Standards (Maximum permissible concentrations)
Total Suspended Particulate[f]	75 micrograms per cubic meter of air, annual geometric mean 200 micrograms per cubic meter of air, not to be exceeded more than 1 percent of days a day
Settled particulate (Dustfall)[g]	15 tons per square mile per month, 3-month average in residential areas 30 tons per square mile per month, 3-month average in heavy industrial areas
Lead[h]	5.0 micrograms per cubic meter of air, 30-day average
Beryllium[i]	0.01 micrograms per cubic meter of air, 30-day average
Fluorides, total (as HF) in air[j]	1 part per billion parts of air, 24-hour average
Fluorides (as F) in forage[k] for animal consumption-dry weight basis	35 parts per million
Fluorides (gaseous)[l]	0.3 micrograms per square centimeter per 28 days

a Sulfur dioxide measured by West-Gaeke or conductometric method.
b Sulfation measured by lead-peroxide candle.
c Suspended sulfate measured by high volume sampler - turbidmetric procedure.
d Sulfuric acid mist - Air Pollution Control District, County of Los Angeles - APCD - Sulfuric acid 13-49.
e Hydrogen sulfide measured by methylene blue method - Lead acetate tape for screening and monitoring.
f Suspended particulate measured by high-volume sampler.
g Dustfall measured by container open to atmosphere.
h Suspended lead measured by high-volume sampler - dithizone and/or spectrophotometric procedures.
i Suspended beryllium measured by high-volume sampler - fluorometric and/or spectrophotometric method.
j Total fluoride measured by impingers - Winter-Willard distillation procedure (SPADNS color).
k Forage cut, dried, ashed and subjected to Winter-Willard distallation procedure (SPADNS color).
l Gaseous fluorides measured by calcium formate paper technique in Montana State Board of Health standard shelter - Winter-Willard distillation procedure (SPADNS color).

The ambient air quality standards listed describe a level of air quality designed to protect people from the adverse effects of air pollution; and they are intended further to promote maximum comfort and enjoyment in use of property consistent with economic and social well-being of the community.

Ambient air quality standards are used as a tool in achieving cleaner air, not as a license to permit unnecessary degradation of air quality which would thwart attainment of the long-range goal to maintain a reasonable degree of air purity.

These standards are not intended to represent the ultimate in air quality achievement. It is anticipated that research and development will gradually make possible cleaner air at lower cost. As evidence accumulates on deleterious effect of the contaminant, present objectives will be revised or additional standards established. The standards are designed to protect the health, welfare and comfort of the public and to minimize economic losses.

Because some pollutants combine chemically to form more harmful materials than the original emissions, ascribing a single effect to a single pollutant would be an erroneous over-simplification. The standards, therefore, apply to air containing a variety of pollutants. Although reaching the goals will result in benefits, no allowance for the time needed to achieve them was considered in their selection. They are intended to apply to areas where people live or where an adverse effect may occur.

The Board, in adopting these standards, intends them to goals and guidelines and so interprets the legislative intent of the word "standards" in Section 6(12) of the Clean Air Act of Montana.

III. Sampling and Analytical Procedures

The sampling and analytical procedures employed to measure ambient levels of contaminants are to be consistent with obtaining accurate results which are representative of the conditions being evaluated. The sampling and analytical techniques enumerated may be used directly or employed as reference standards against which other methods may be calibrated.

Regulation 90-016

(9.0) REQUIRING TESTING OR TESTING FACILITIES

I. Testing

A. Any person or persons responsible for the emission of air contaminants into outdoor atmosphere shall upon written request of the director provide the facilities and necessary equipment including instruments and sensing devices and shall conduct tests using methods approved by the director. Such tests shall include but not be limited to, a determination of the nature, extent, quantity and degree of, air contaminants which are or may be emitted as a result of such operation at all sampling points designated by the director and the date shall be recorded in a permanent log at least once each hour, if applicable. These data shall be maintained for a period of not less than one year and shall be available for review by the Department. Such testing and sampling facilities may be either permanent or temporary at the discretion of the person responsible for their provision, and shall conform to all applicable laws and regulations concerning safe construction or safe practice.

B. The effective date of this regulation shall be June 30, 1970.

Proposed for Hearing in May 1970

Regulation 90-017

(50.7) RESTRICTING THE EMISSION OF FLUORIDES

I. PROCESS EMISSION

A. No person shall cause, suffer, allow or permit to be discharged into the outdoor atmosphere from any phosphate rock or phosphorite processing equipment or equipment used in the production of elemental phosphorus, enriched phosphates, phosphoric acid, defluorinated phosphates, phosphate fertilizers or phosphate concentrates or any equipment used in the processing of fluorides enriched waste water fluorides in a gaseous or particulate form or any combination of gaseous or particulate forms in excess of 0.3 pounds per ton of P_2O_5 (phosphorous pentoxide) introduced into the process of any calcining, nodulizing, defluorinating or acidulating process or any combination of the foregoing, or any other process, except aluminum reduction, capable of causing a release of fluorides in the form or forms indicated in this subsection.

II. POND EMISSIONS

A. No person or persons shall cause, suffer, allow or permit to be released into the outdoor atmosphere from any storage pond, settling basin, ditch, liquid holding tank or other liquid holding or conveying device from operations outlined in Section I fluorides in excess of 108 micrograms per square centimeter per 28 days (ug/cm^2/28 days) using the calcium formate paper method. Papers shall be exposed in a standard Montana Box located not less than 18 inches or more than 48 inches above the level of the liquid in the devices herein enumerated and not more than 16 inches laterally from the liquids edge. Other locations may be permitted if approved by the director.

B. Not less than four (4) such sampling stations shall be placed at locations designated by the director. Two (2) or more calcium formate papers, as designated by the director, shall be exposed in the standard Montana Box for a period designated by the director. Regardless of the duration of the sampling period, the values determined shall be corrected to 28 days.

C. A minimum of two (2) calcium formate papers for each sample period from each sample box shall be provided the director if requested and within ten (10) days from the date of the request.

III. PREPARATION, EXPOSURE AND ANALYSIS

A. Preparation of calcium formate papers.

1. Soak Whatman #2, 11 cm. filter papers in a 10% solution of calcium formate for five (5) minutes.

2. Dry in a forced air oven at 80°C. Remove immediately when dryness is reached.

B. Exposure of calcium formate papers.

1. Two papers, or more, if directed, are suspended in a standard Montana Box on separate hangers at least two (2) inches apart.

2. Exposure shall be for 28 days ± 3 days unless otherwise indicated by the director.

3. Calcium formate papers shall be kept in an air tight container both before and after exposure until the time of analysis.

C. Analysis of calcium formate papers is adapted from Standard Methods for the Examination of Water and Waste Water; using Willard-Winter perchloric acid distillations and Spadns-Zirconium Lake method for fluoride determination.

IV. EFFECTIVE DATES

The effective date of this regulation 90-017 shall be June 30, 1970 for new equipment and June 30, 1971 for existing equipment.

Regulation 90-018

(51.16) STORAGE OF PETROLEUM PRODUCTS

I. STORAGE

A. A person shall not place, store or hold in any stationary tank, reservoir or other container of more than 65,000 gallons capacity any gasoline or any petroleum distillate having a vapor pressure of 2.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

1. A floating roof, consisting of a pontoon type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals to close space between the roof edge and tank wall. The control equipment provided for in this paragraph shall not be used if the gasoline or petroleum distillate has a vapor pressure of 13.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

2. A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

3. Other equipment of equal efficiency, provided such equipment is submitted to and approved by the Director.

II. OIL-EFFLUENT WATER SEPARATOR

A. A person shall not use any compartment of any single or multiple compartment of oil-effluent water separator which compartment receives effluent water containing 200 gallons a day or more of any petroleum products from any equipment processing, refining, treating, storing, or handling kerosene or other petroleum product of equal or greater volatility than kerosene, unless such compartment is equipped with one of the following vapor loss control devices, constructed so as to prevent any emission of hydrocarbon vapors to the atmosphere, properly installed, in good working order, and in operation:

1. A solid cover with all openings sealed and totally enclosing the liquid contents. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

2. A floating roof, consisting of a pontoon type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and container wall. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

3. A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

4. Other equipment of equal efficiency provided such equipment is submitted to and approved by the Director.

This rule shall not apply to any oil-effluent water separator used exclusively in conjunction with the production of crude oil.

For the purpose of this rule, "kerosene" is defined as any petroleum product which, when distilled by ASTM standard test Method D 86-56, will give a temperature of 401°F or less at the 10 percent point recovered.

III. GASOLINE LOADING INTO TANKS

A. A person shall not after June 30, 1971 load or permit the loading of gasoline into any stationary tank with a capacity of 250 gallons or more from any tank trucks or trailer, except through a permanent submerged fill pipe, unless such tank is equipped with a vapor loss control device as described in Section I of this regulation, or is a pressure tank as described in Section I of this regulation.

The provisions of the first paragraph of this rule shall not apply to the loading of gasoline into any tank having a capacity of 2,000 gallons or less, which was installed prior to the date of adoption of this rule nor to any underground tank installed prior to the date of adoption of this rule where the fill line between the fill connection and tank is offset. Any person operating or using any gasoline tank with a capacity of 250 gallons or more installed prior to the date of adoption of this regulation shall apply for a permit to operate such tank before June 30, 1972.

A person shall not install any gasoline tank with a capacity of 250 gallons or more unless such tank is equipped as described in

the first paragraph of this Subsection A.

For the purpose of this regulation the term "gasoline" is defined as any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

For the purpose of this regulation the term "submerged fill pipe" is defined as any fill pipe the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the tank. "Submerged fill pipe" when applied to a tank which is loaded from the side is defined as any fill pipe the discharge opening of which is entirely submerged when the liquid level is 18 inches above the bottom of the tank.

The provisions of this regulation do not apply to any stationary tank which is used primarily for the fueling of implements of husbandry.

IV. EFFECTIVE DATES

The effective date of this regulation (90-018) shall be June 30, 1970 for new operations and June 30, 1972 for existing operations.

Regulation 90-019

(51.17) MAXIMUM ALLOWABLE EMISSION OF FLUORIDES FROM PRIMARY ALUMINUM REDUCTION PLANTS, ALUMINUM SMELTERS OR ALUMINUM MANUFACTURING PLANTS

I. EMISSIONS RESTRICTED

A. No person shall cause, suffer, allow or permit to be discharged into the outdoor atmosphere from any primary aluminum reduction plant, aluminum smelter or aluminum manufacturing plant either in a gaseous or particulate form or any combination of gaseous or particulate forms fluorides in excess of 0.060 pounds per hour per reduction cell commonly called a "pot."

B. For operations producing aluminum at an annual rate of more than 200,000 tons, the combined emission of fluorides into the outdoor atmosphere from all pots regardless of the number shall not exceed 40.0 pounds per hour.

C. The total of all particulate matter including particulate fluoride emitted from all of the pot rooms combined shall not exceed that allowed under regulation 90-004 (Restriction of Particulate Matter for Industrial Processes), or regulation 90-007 (Restriction of Emission of Visible Air Contaminants) formulated under the Clean Air Act of Montana.

D. Definitions:

1. Reduction cell or "pot" : a shallow carbon-lined steel vessel (cathode) containing molten cryolite and aluminum into which is suspended a carbon anode.

2. Pot room: a large building or room which houses up to several hundred pots or reduction cells.

3. Plant: primary aluminum reduction plant, aluminum smelter or aluminum manufacturing plant.

II. SAMPLING AND MONITORING

A. Unless the gaseous portion of the fluorides emitted at any fluorides emission point is more than 50% of the total fluorides emitted, the results of sampling may be reported on a total fluoride basis. Sampling under such circumstances may be done without differentiation between gaseous and particulate phases of the emissions but all emitted fluorides must be collected as completely as possible.

B. Each existing plant to which this regulation 90-019 applies shall submit to the director, at least 90 days before the effective date

of this regulation, a detailed monitoring program including, but not limited to, the following:

1. A description of monitoring equipment and procedures capable of determining compliance with this regulation 90-019.

2. A description of the sources to be monitored which shall include the stack of any fluoride scrubber or any fluoride or particulate emission control device or emission point at the pots or pot rooms.

   (a) Unless otherwise authorized by the director, data for each calendar month shall be reported by each plant not later than fifteen (15) days after the end of each calendar month.

   (b) The data submitted must include the average daily emission of fluorides, as total fluorides, expressed in pounds per hour per operating pot. A pot must operate 75% of the time during the reporting period to qualify as an operating pot.

   (c) The number of pots operating during the reporting period must be reported.

3. Within thirty (30) days after approval of the detailed monitoring program by the director, the approved equipment shall be ordered by the plant. Within thirty (30) days after receipt of the approved equipment from the vendor the equipment shall be installed and operating. Reporting of the results shall begin as provided for in Section II of this regulation 90-019 at the end of the calendar month in which the monitoring equipis installed and each month thereafter as indicated.

C. Each plant shall furnish, upon request of the director, such other pertinent data as may be required to evaluate the plant's emission control program.

D. The effective date of this regulation 90-019 shall be June 30, 1970 for new plants and June 30, 1973 for existing plants.

FEDERALLY PROMULGATED

REGULATIONS

(10.0) 52.1374 Review of New or Modified Indirect Sources

(b) Regulation for Review of New or Modified Indirect Sources

(1) All terms used in this paragraph but not specifically defined below shall have the meaning given them in 52.01 of this chapter.

(i) The term "indirect source" means a facility, building, structure, or installation which attracts or may attract mobile source activity that results in emissions of a pollutant for which there is a national standard. Such indirect sources include, but are not limited to:

(a) Highways and roads.

(b) Parking facilities.

(c) Retail, commercial and industrial facilities.

(d) Recreation, amusement, sports and entertainment facilities.

(e) Airports.

(f) Office and Government buildings.

(g) Apartment and condominium buildings.

(h) Education facilities.

(ii) The term "Administrator" means the Administrator of the Environmental Protection Agency or his designated agent.

(iii) The term "associated parking area" means a parking facility or facilities owned and/or operated in conjunction with an indirect source.

(iv) The term "aircraft operation" means an aircraft take-off or landing.

(v) The phrase "to commence construction" means to engage in a continuous program of on-site construction including site clearance, grading, dredging, or land filling specifically designed for an indirect source in preparation for the fabrication, erection, or installation of the building components of the indirect source. For the purpose of this paragraph, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

(vi) The phrase "to commence modification" means to engage in a continuous program of on-site modification, including site clearance, grading, dredging, or land filling in preparation for specific modification of the indirect source.

(vii) The term "highway section" means the development proposal of a highway of substantial length between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study or multi-year highway improvement program as set forth in 23 CFR 770.201 (38 FR 31677).

(viii) The term "highway project" means all or a portion of a highway section which would result in a specific construction contract.

(ix) The term "Standard Metropolitan Statistical Area (SMSA)" means such areas as designated by the U.S. Bureau of the Budget in the following publication: "Standard Metropolitan Statistical Area," issued in 1967, with subsequent amendments.

(2) The requirements of this paragraph are applicable to the following:

(i) In an SMSA:

(a) Any new parking facility or other new indirect source with an associated parking area, which has a new parking capacity of 1,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 500 cars or more; or

(c) Any new highway project with an anticipated average annual daily traffic volume of 20,000 or more vehicles per day within ten years of construction; or

(d) Any modified highway project which will increase average annual daily traffic volume by 10,000 or more vehicles per day within ten years after modification.

(ii) Outside an SMSA:

(a) Any new parking facility, or other new indirect source with an associated parking area, which has a parking capacity of 2,000 cars or more; or

(b) Any modified parking facility, or any modification of an asscciated parking area, which increases parking capacity by 1,000 cars or more.

(iii) Any airport, the construction or general modification program of which is expected to result in the following activity within ten years of construction or modification:

(a) New airport: 50,000 or more operations per year by regularly scheduled air carriers, or use by 1,600,000 or more passengers per year.

(b) Modified airport: Increase of 50,000 or more operations per year by regularly scheduled air carriers over the existing volume of operations, or increase of 1,600,000 or more passengers per year.

(iv) Where an indirect source is constructed or modified in increments which individually are not subject to review under this paragraph, and which are not part of a program of construction or modification in planned incremental phases approved by the Administrator, all such increments commenced after December 31, 1974, or after the latest approval hereunder, whichever date is most recent, shall be added together for determining the applicability of this paragraph.

(3) No owner or operator of an indirect source subject to this paragraph shall commence construction or modification of such source after December 31, 1974, without first obtaining approval from the Administrator. Application for approval to construct or modify shall be by means prescribed by the Administrator, and shall include a copy of any draft or final environmental impact statement which has been prepared pursuant to the National Environmental Policy Act (42 U.S.C. 4321). If not included in such environmental impact statement, the Administrator may request the following information:

(i) For all indirect sources subject to this paragraph, other than highway projects:

(a) The name and address of the applicant.

(b) A map showing the location of the site of indirect source and the topography of the area.

(c) A description of the proposed use of the site, including the normal hours of operation of the facility, and the general types of activities to be operated therein.

(d) A site plan showing the location of associated parking areas, points of motor vehicle ingress and egress to and from the site and its associated parking areas, and the location and height of buildings on the site.

(e) An identification of the principal roads, highways, and intersections that will be used by motor vehicles moving to or from the indirect source.

(f) An estimate, as of the first year after the date the indirect source will be substantially complete and operational, of the average daily traffic volumes, maximum traffic volumes for one-hour and eight-hour periods, and vehicle capacities of the principal roads, highways, and intersections identified pursuant to subdivision (i) (e) of this subparagraph located within one-fourth mile of all boundaries of the site.

(g) Availability of existing and projected mass transit to service the site.

(h) Where approval is sought for indirect sources to be constructed in incremental phases, the information required by this subparagraph (3) shall be submitted for each phase of the construction project.

(i) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(ii) For airports:

(a) An estimate of the average number and maximum number of aircraft operations per day by type of aircraft during the first, fifth and tenth years after the date of expected completion.

(b) A description of the commercial, industrial, residential and other development that the applicant expects will occur within three miles of the perimeter of the airport within the first five and the first ten years after the date of expected completion.

(c) Expected passenger loadings at the airport.

(d) The information required under subdivisions (i) (a) through (i) of this subparagraph.

(iii) For highway projects:

(a) A description of the average and maximum traffic volumes for one, eight, and 24-hour time periods expected within 10 years of date of expected completion.

(b) An estimate of vehicle speeds for average and maximum traffic volume conditions and the vehicle capacity of the highway project.

(c) A map showing the location of the highway project, including the location of buildings along the right-of-way.

(d) A description of the general features of the highway project and associated right-of-way, including the approximate height of buildings adjacent to the highway.

(e) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(iv) For indirect sources other than airports and those highway projects subject to the provisions of paragraph (b) (6) (iii) of this section, the air quality monitoring requirements of paragraph (b) (3) (i) (i) of this section shall be limited to carbon monoxide, and shall be conducted for a period of not more than 14 days.

(4) (i) For indirect sources other than highway projects and airports, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The Administrator shall make the determination pursuant to paragraph (b) (4) (i) (b) of this section by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected to be attracted by the indirect source. Such determination may be made by using traffic flow characteristic guidelines

published by the Environmental Protection Agency which relate traffic demand and capacity considerations to ambient carbon monoxide impact, by use of appropriate atmospheric diffusion models (examples of which are referenced in Appendix O to Part 51 of this chapter), and/or by any other reliable analytic method. The applicant may (but need not) submit with his application, the results of an appropriate diffusion model and/or any other reliable analytic method, along with the technical data and information supporting such results. Any such results and supporting data submitted by the applicant shall be considered by the Administrator in making his determination pursuant to paragraph (b) (4) (i) (b) of this section.

(5) (i) For airports subject to this paragraph, the Administrator shall base his decision on the approval or disapproval of an application on the considerations to be published as an Appendix to this Part.

(ii) For highway projects and parking facilities specified under paragraph (b) (2) of this section which are associated with airports, the requirements and procedures specified in paragraphs (b) (4) and (6) (i) and (ii) of this section shall be met.

(6) (i) For all highway projects subject to this paragraph, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The determination pursuant to paragraph (b) (6) (i) (b) of this section shall be made by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected on the highway for the ten year period following the expected date of completion according to the procedures specified in paragraph (b) (4) (ii) of this section.

(iii) For new highway projects subject to this paragraph with an anticipated average daily traffic volume of 50,000 or more vehicles within ten years of construction, or modifications to highway projects subject to this paragraph which will increase average daily traffic volume by 25,000

or more vehicles within ten years after modification, the Administrator's decision on the approval or disapproval of an application shall be based on the considerations to be published as an Appendix to this Part in addition to the requirements of paragraph (b) (6) (i) of this section.

(7) The determination of the air quality impact of a proposed indirect source "at reasonable receptor or exposure sites", shall mean such locations where people might reasonably be exposed for time periods consistent with the national ambient air quality standards for the pollutants specified for analysis pursuant to this paragraph.

(8) (i) Within 20 days after receipt of an application or addition thereto, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (b) (8) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the indirect source should be approved, approved with conditions in accordance with paragraphs (b) (9) or (10) of this section, or disapproved.

(b) Make available in at least one location in each region in which the proposed indirect source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination, and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed indirect source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the indirect source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the location where the indirect source will be situated, as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional

land use planning agency; and for highways, any local board or committee charged with responsibility for activities in the conduct of the urban transportation planning process (3-C process) pursuant to 23 U.S.C. 134.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraphs (b) (8) (ii), (iv), or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

(9) (i) Whenever an indirect source as proposed by an owner or operator's application would not be permitted to be constructed for failure to meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section, the Administrator may impose reasonable conditions on an approval related to the air quality aspects of the proposed indirect source so that such source, if constructed or modified in accordance with such conditions, could meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section. Such conditions may include, but not be limited to:

(a) Binding commitments to roadway improvements or additional mass transit facilities to serve the indirect source secured by the owner or operator from governmental agencies having jurisdiction thereof;

(b) Binding commitments by the owner or operator to specific programs for mass transit incentives for employees and patrons of the source; and

(c) Binding commitments by the owner or operator to construct, modify, or operate the indirect source in such a manner as may be necessary to achieve the traffic flow characteristics published by the Environmental Protection Agency pursuant to paragraph (b) (4) (ii) of this section.

(ii) The Administrator may specify that any items of information provided in an application for approval related to the operation of an indirect source which may affect the source's air quality impact shall be considered permit conditions.

(10) Notwithstanding the provisions relating to modified indirect sources contained in paragraph (b) (2) of this section, the Administrator may condition any approval by reducing the extent to which the indirect source may be further modified without resubmission for approval under this paragraph.

(11) Any owner or operator who fails to construct an indirect source in accordance with the application as approved by the Administrator; any owner or operator who fails to construct and operate an indirect source in accordance with conditions imposed by the Administrator under paragraph (b) (9) of this section; any owner or operator who modifies an indirect source in violation of conditions imposed by the Administrator under paragraph (b) (10) of this section; or any owner or operator of an indirect source subject to this paragraph who commences construction or modification thereof after December 31, 1974, without applying for and receiving approval hereunder, shall be subject to the penalties specified under section 113 of the Act and shall be considered in violation of an emission standard or limitation under section 304 of the Act. Subsequent modification to an approved indirect source may be made without applying for permission pursuant to this paragraph only where such modification would not violate any condition imposed pursuant to paragraphs (b) (9) and (10) of this section and would not be subject to the modification criteria set forth in paragraph (b) (2) of this section.

(12) Approval to construct or modify shall become invalid if construction or modification is not commenced within 24 months after receipt of such approval. The Administrator may extend such time period upon satisfactory showing that an extension is justified. The applicant may apply for such an extension at the time of initial application or at any time thereafter.

(13) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State implementation plan.

(14) Where the Administrator delegates the responsibility for implementing the procedures for conducting indirect source review pursuant to this paragraph to any agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult the appropriate State or local air pollution control agency prior to making any determination required by paragraphs (b) (4), (5), or (6) of this section. Similarly, where the agency designated does not have continuing responsibilities for land use planning, such agency shall consult with the appropriate State or local land use and transportation planning agency prior to making any determination required by paragraph (b) (9) of this section.

(ii) The Administrator of the Environmental Protection Agency shall conduct the indirect source review pursuant to this paragraph for any indirect source owned or operated by the United States Government.

(iii) A copy of the notice required pursuant to paragraph (b) (8) (ii) (c) of this section shall be sent to the Administrator through the appropriate Regional Office.

(15) In any area in which a "management of parking supply" regulation which has been promulgated by the Administrator is in effect, indirect sources which are subject to review under the terms of such a regulation shall not be required to seek review under this paragraph but instead shall be required to seek review pursuant to such management of parking supply regulation. For purposes of this paragraph, a "management of parking supply" regulation shall be any regulation promulgated by the Administrator as part of a transportation control plan pursuant to the Clean Air Act which requires that any new or modified facility containing a given number of parking spaces shall receive a permit or other prior approval, issuance of which is to be conditioned on air quality considerations.

(16) Notwithstanding any of the foregoing provisions to the contrary, the operation of this paragraph is hereby suspended pending further notice. No facility which commences construction prior to the expiration of the sixth month after the operation of this paragraph is reinstated (as to that type of facility) shall be subject to this paragraph.

(37 FR 10846, May 31, 1972 as amended at 40 FR 28065, July 3, 1975; 40 FR 40160, Sept. 2, 1975)

(14.0) 52.1378 GENERAL REQUIREMENTS

(b) Regulation for public availability of emission data.

(1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b) (1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 - June 30 and July 1 - December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

(17.0) 52.1382 Prevention of Significant Deterioration

(b) Definitions. For the purposes of this section:

(1) "Facility" means an identifiable piece of process equipment. A stationary source is composed of one or more pollutant-emitting facilities.

(2) The phrase "Administrator" means the Administrator of the Environmental Protection Agency or his designated representative.

(3) The phrase "Federal Land Manager" means the head, or his designated representative, of any Department or Agency of the Federal Government which administers federally-owned land, including public domain lands.

(4) The phrase "Indian Reservation" means any federally-recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(5) The phrase "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(6) "Construction" means fabrication, erection or installation of a stationary source.

(7) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(c) Area designation and deterioration increment

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the provisions shall also be applicable to all lands owned by the Federal Government and Indian Reservations located in such State. The provisions of this paragraph do not apply in those counties or other functionally equivalent areas that pervasively exceeded any national ambient air quality standards during 1974 for sulfur dioxide or particulate matter and then only with respect to such pollutants. States may notify the Administrator at any time of those areas which exceeded the national standards during 1974 and therefore are exempt from the requirements of this paragraph.

(2) (i) For purposes of this paragraph, areas designated as Class I or II shall be limited to the following increases in pollutant concentration occurring since January 1, 1975:

Pollutant	Area Designations: Class I (ug/m^3)	Area Designations: Class II (ug/m^3)
Particulate matter:		
Annual geometric mean	5	10
24-hr maximum	10	30
Sulfur dioxide:		
Annual arithmetic mean	2	15
24-hr maximum	5	100
3-hr maximum	25	700

(ii) For purposes of this paragraph, areas designated as Class III shall be limited to concentrations of particulate matter and sulfur dioxide no greater than the national ambient air quality standards.

(iii) The air quality impact of sources granted approval to construct or modify prior to January 1, 1975 (pursuant to the approved new source review procedures in the plan) but not yet operating prior to January 1, 1975, shall not be counted against the air quality increments specified in paragraph (c) (2) (i) of this section.

(3) (i) All areas are designated Class II as of the effective date of this paragraph. Redesignation may be proposed by the respective States, Federal Land Manager, or Indian Governing Bodies, as provided below, subject to approval by the Administrator.

(ii) The State may submit to the Administrator a proposal to redesignate areas of the State Class I, Class II, or Class III, provided that:

(a) At least one public hearing is held in or near the area affected and this public hearing is held in accordance with procedures established in 51.4 of this chapter, and

(b) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing, and

(c) A discussion of the reasons for the proposed redesignation is available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contains appropriate notification of the availability of such discussion, and

(d) The proposed redesignation is based on the record of the State's hearing, which must reflect the basis for the proposed redesignation, including consideration of (1) growth anticipated in the area, (2) the social, environmental, and economic effects of such redesignation upon the area being proposed for redesignation and upon other areas and States, and (3) any impacts of such proposed redesignation upon regional or national interests.

(e) The redesignation is proposed after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

(iii) Except as provided in paragraph (c) (3) (iv) of this section, a State in which lands owned by the Federal Government are located may submit to the Administrator a proposal to redesignate such lands Class I, Class II, or Class III in accordance with subdivision (ii) of this subparagraph provided that:

(a) The redesignation is consistent with adjacent State and privately owned land, and

(b) Such redesignation is proposed after consultation with the Federal Land Manager.

(iv) Notwithstanding subdivision (iii) of this subparagraph, the Federal Land Manager may submit to the Administrator a proposal to redesignate any Federal lands to a more restrictive designation than would otherwise to applicable provided that:

(a) The Federal Land Manager follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Federal Land is located or which border the Federal Land.

(v) Nothing in this section is intended to convey authority to the States over Indian Reservations where States have not assumed such authority under other laws nor is it intended to deny jurisdiction which States have assumed

under other laws. Where a State has not assumed jurisdiction over an Indian Reservation the appropriate Indian Governing Body may submit to the Administrator a proposal to redesignate areas Class I, Class II, or Class III, provided that:

(a) The Indian Governing Body follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Indian Reservation is located or which border the Indian Reservation and, for those lands held in trust, with the approval of the Secretary of the Interior.

(vi) The Administrator shall approve, within 90 days, any redesignation proposed pursuant to this subparagraph as follows:

(a) Any redesignation proposed pursuant to subdivisions (ii) and (iii) of this subparagraph shall be approved unless the Administrator determines (1) that the requirements of subdivisions (ii) and (iii) of this subparagraph have not been complied with, (2) that the State has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph, or (3) that the State has not requested and received delegation of responsibility for carrying out the new source review requirements of paragraphs (d) and (e) of this section.

(b) Any redesignation proposed pursuant to subdivision (iv) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (iv) of this subparagraph have not been complied with, or (2) that the Federal Land Manager has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(c) Any redesignation submitted pursuant to subdivision (v) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (v) of this subparagraph have not been complied with, or (2) that the Indian Governing Body has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(d) Any redesignation proposed pursuant to this paragraph shall be approved only after the Administrator has solicited written comments from affected Federal agencies and Indian Governing Bodies and from the public on the proposal.

(e) Any proposed redesignation protested to the proposing State, Indian Governing Body, or Federal Land Manager and to the Administrator by another State or Indian Governing Body because of the effects upon such protesting State or Indian Reservation shall be approved by the Administrator only if he determines that in his judgment the redesignation appropriately balances considerations of growth anticipated in the area proposed to be redesignated; the social, environmental and economic effects of such redesignation upon the area being redesignated and upon other areas and States; and any impacts upon regional or national interests.

(f) The requirements of paragraph (c) (3) (vi) (a) (3) that a State request and receive delegation of the new source review requirements of this section as a condition to approval of a proposed redesignation, shall include as a minimum receiving the administrative and technical functions of the new source review. The Administrator will carry out any required enforcement action in cases where the State does not have adequate legal authority to initiate such actions. The Administrator may waive the requirements of paragraph (c) (3) (vi) (a) (3) if the State Attorney-General has determined that the State cannot accept delegation of the administrative/technical functions.

(vii) If the Administrator disapproves any proposed area designation under this subparagraph, the State, Federal Land Manager or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the Administrator or reconsidering any area designation determined by the Administrator to be arbitrary and capricious.

(d) Review of new sources

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the requirements of this paragraph apply to any new or modified stationary source of the type identified below which has not commenced construction or modification prior to June 1, 1975 except as specifically provided below. A

source which is modified, but does not increase the amount of sulfur oxides or particulate matter emitted, or is modified to utilize an alternative fuel, or higher sulfur content fuel, shall not be subject to this paragraph.

(i) Fossil-Fuel Steam Electric Plants of more than 1000 million B.T.U. per hour heat input.

(ii) Coal Cleaning Plants.

(iii) Kraft Pulp Mills.

(iv) Portland Cement Plants.

(v) Primary Zinc Smelters.

(vi) Iron and Steel Mills.

(vii) Primary Aluminum Ore Reduction Plants.

(viii) Primary Copper Smelters.

(ix) Municipal Incinerators capable of charging more than 250 tons of refuse per 24 hour day.

(x) Sulfuric Acid Plants.

(xi) Petroleum Refineries.

(xii) Lime Plants.

(xiii) Phosphate Rock Processing Plants.

(xiv) By-Product Coke Oven Batteries.

(xv) Sulfur Recovery Plants.

(xvi) Carbon Black Plants (furnace process).

(xvii) Primary Lead Smelters.

(xviii) Fuel Conversion Plants.

(xix) Ferroalloy production facilities commencing construction after October 5, 1975.

(2) No owner or operator shall commence construction or modification of a source subject to this paragraph unless the Administrator determines that, on the basis of information submitted pursuant to subparagraph (3) of this paragraph:

(i) The effect on air quality concentration of the source or modified source, in conjunction with the effects of growth and reduction in emissions after January 1, 1975, of other sources in the area affected by the proposed source, will not violate the air quality increments applicable in the area where the source will be located nor the air quality increments applicable in any other areas. The analysis of emissions growth and reduction after January 1, 1975, of *other sources in the areas affected by the proposed source* shall include all new and modified sources granted approval to construct pursuant to this paragraph; reduction in emissions from existing sources which contributed to air quality during all or part of 1974; and general commercial, residential, industrial, and other sources of emissions growth not exempted by paragraph (c) (2) (iii) of this section which has occurred since January 1, 1975.

(ii) The new or modified source will meet an emission limit, to be specified by the Administrator as a condition to approval, which represents that level of emission reduction which would be achieved by the application of best available control technology, as defined in 52.01 (f), for particulate matter and sulfur dioxide. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, he may instead prescribe a design or equipment standard requiring the application of best available control technology. Such standard shall to the degree possible set forth the emission reductions achievable by implementation of such design or equipment, and shall provide for compliance by means which achieve equivalent results.

(iii) With respect to modified sources, the requirements of subparagraph (2) (ii) of this paragraph shall be applicable only to the facility or facilities from which emissions are increased.

(3) In making the determinations required by paragraph (d) (2) of this section, the Administrator shall, as a minimum, require the owner or operator of the source subject to this paragraph to submit: site information, plans, description, specifications, and drawings showing the design of the source; information necessary to determine the impact that the construction or modification will have on sulfur dioxide and particulate matter air quality levels; and any other information necessary to determine that best available control technology will be applied. Upon request of the Administrator, the owner or operator of the source shall provide information on the nature and extent of general commercial, residential, industrial, and other growth which has occurred in the area affected by the source's emissions (such area to be specified by the

Administrator) since January 1, 1975.

(4) (i) Where a new or modified source is located on Federal Lands, such source shall be subject to the procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be in addition to applicable procedures conducted by the Federal Land Manager for administration and protection of the affected Federal Lands. Where feasible, the Administrator will coordinate his review and hearings with the Federal Land Manager to avoid duplicate administrative procedures.

(ii) New or modified sources which are located on Indian Reservations shall be subject to procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be administered by the Administrator in cooperation with the Secretary of the Interior with respect to lands over which the State has not assumed jurisdiction under other laws.

(iii) Whenever any new or modified source is subject to action by a Federal Agency which might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Administrator conducted pursuant to this paragraph shall be coordinated with the broad environmental reviews under that Act, to the maximum extent feasible and reasonable.

(5) Where an owner or operator has applied for permission to construct or modify pursuant to this paragraph and the proposed source would be located in an area which has been proposed for redesignation to a more stringent class (or the State, Indian Governing Body, or Federal Land Manager has announced such consideration), approval shall not be granted until the Administrator has acted on the proposed redesignation.

(e) Procedures for public participation

(1) (i) Within 20 days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (e) (1) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the locations where the source will be situated as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and any State, Federal Land Manager or Indian Governing Body whose lands will be significantly affected by the source's emissions.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (e) (1) (ii), (iv), or (v) of this section by no more than 30 days or such other period as agreed to by the applicant and the Administrator.

(2) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification after June 1, 1975, without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(3) Approval to construct or modify shall become invalid if construction or expansion is not commenced within 18 months after receipt of such approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified.

(4) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State, and Federal regulations which are part of the applicable State Implementation Plan.

(f) Delegation of authority

(1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to paragraphs (d) and (e), in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult with the appropriate State and local air pollution control agency prior to making any determination required by paragraph (d) of this section. Similarly, where the agency designated does not have continuing responsibilities for managing land use, such agency shall consult with the appropriate State and local agency which is primarily responsible for managing land use prior to making any determination required by paragraph (d) of this section.

(ii) A copy of the notice pursuant to paragraph (e) (1) (ii) (c) of this section shall be sent to the Administrator through the appropriate regional office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to a designated State or local agency's procedures developed pursuant to paragraphs (d) and (e) of this section.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are located on Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(39 FR 42514, Dec. 5, 1974; 40 FR 2802, Jan. 16, 1975, as amended at 40 FR 24535, June 9, 1975; 40 FR 25005, June 12, 2975; 40 FR 42012, Sept. 10, 1975)